UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,380	09/29/2000	Peter Weber	5053-28301	1411

7590   01/10/2006

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EXAMINER
BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/675,380	WEBER ET AL.
	Examiner	Art Unit	
	Carolyn M. Bleck	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>68-119</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>68-119</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/16/05, 6/25/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: IDS - 10/17/03, 10/13/03, 1/8/02.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the election and amendment filed 5 August

2005. Claims 68-119 are pending. Claims 1-68 have been cancelled. The IDS

statements entered 16 February 2005, 25 June 2004, 17 October 2003, 13 October

2003, and 8 January 2002 have been entered and considered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 68-119 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

(A) Claim 68, line 7, and claim 95, line 6, "the reinsurance framework classes" lacks

proper antecedent basis. For purposes of applying prior art, the reinsurance framework

classes is considered to be classes.

(B) Claim 89, line 1, depends on claim 20. Claim 20 has been cancelled. Thus, this

claim lacks proper antecedent basis. It is assumed claim 89 should depend on claim

88.

(C) Claims 69-99 and 96-119 incorporate the deficiencies of claims 68 and 95, and are

therefore rejected for the same reasons as those claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 68-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over

LeBlanc et al. (6,694,506) in view of Copeland et al. (5,946,694).

(A) As per claim 68, LeBlanc discloses a computer controlled object oriented

programming method for distributive program development over networks such as the

internet comprising (Abstract):

        (a) obtaining a framework, wherein the framework comprises one or more

classes of objects, a set of predefined, interconnected classes provided to create a set

of objects and additional miscellaneous routines which are all directed to performing

commonly encountered tasks in a particular environment (reads on "a plurality of

support processes" as described on page 30 of Applicant's specification), and a plurality

of hooks or a plurality of subclasses that inherit all of the functions of the base classes

and alternatively the subclasses can override some or all of its inherited functions

(reads on "hook methods" as described on page 30 of Applicant's specification) (Fig. 2,

col. 1 line 54 to col. 2 line 6, col. 2 lines 33-48, col. 3 line 46 to col. 5 line 10, col. 6 lines

10-60, col. 7 line 39 to col. 8 line 5);

(b) creating one or more subclasses from the framework classes, wherein the

one or more subclasses inherit one or functions (reads on "hook methods") (col. 4 line

36 to col. 5 line 10);

(c) associating one or more of the classes provided to create a set of objects to

perform tasks with subclasses (col. 4 line 22 to col. 5 line 5 line 10); and

(d) combining one or more subclasses to build one or more programs (Abstract;

col. 1 line 54 to col. 2 line 5 line 6, col. 2 lines 33-67, col. 4 line 36 to col. 5 line 10).

LeBlanc fails to expressly disclose the feature of automatically generating

process objects as defined by the combined process subclasses when one or more of

the application programs are initiated. It is noted that this step is typically the final step

in using an object-oriented software system.

Copeland discloses a class of objects such as an insurance policy, wherein when

using the application program, a user can change the beneficiary of the insurance

policy, determine the insurance policy premium, and any other similar functions needed

in the administration of an insurance company, wherein these classes of objects are

defined by classes and parent classes (col. 4 lines 15-44, col. 6 lines 6-42, col. 7 lines

28-49).

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to include the features of Copeland within the method of LeBlanc

with the motivation of providing small, reusable sections of program code to reduce the

costs and increase the speed of software development (Copeland; col. 1 lines 37-52).

As per the recitation of the method pertaining to a reinsurance administration

system and a reinsurance framework, the Examiner respectfully submits that the

differences between the prior art and the method recited in claim 68 are only found in

the nonfunctional descriptive material and is not functionally involved in the step recited.

The method of obtaining a framework, creating subclasses, and automatically

generating reinsurance process objects would be performed the same regardless of

whether the method was developed for reinsurance or not. Thus, this descriptive

material will not distinguish the claimed invention from the prior art in terms of

patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir.

1983); *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

For further guidance, note MPEP § 2106, common situations involving nonfunctional

descriptive material are: "a process that differs from the prior art only with respect to

nonfunctional descriptive material that cannot alter <u>how</u> the process steps are to be

performed to achieve the utility of the invention."

(B) As per claims 69-71 and 78, LeBlanc discloses that a third property of object

oriented programming is inheritance which allows program developers to reuse pre-

existing programs. Inheritance allows a software developer to define classes and the

objects which are later created from them as related through a class hierarchy.

Specifically, classes may be designated as subclasses of other base classes. A

subclass "inherits" and has access to all of the public functions of its base classes as though these functions appeared in the subclass. Alternatively, a subclass can override some or all of its inherited functions or may modify some or all of its inherited functions by defining a new function with the same form (col. 4 lines 36-48). It is noted when the method allows a subclass to override some of the inherited functions from the base class, the base class is a form of abstract class. It is further noted that LeBlanc teaches that a subclass function can be modified (reads on "modifying subclass hook methods" and "replacing one or more subclass hook methods with one or more new methods").

(C) As per claims 72-77, LeBlanc discloses using hooks as discussed in claim 68. Copeland discloses that objects that perform system-related functions necessary for every method request, wherein the system-related activities include things like performing security checks, locking records, etc. that need to be performed before the business object performs its method (col. 7 lines 28-49). It is respectfully submitted that while LeBlanc and Copeland do not disclose every hook method as recited in claims 72-77, Copeland does disclose that they can be used before an object performs its method. Further, the Examiner respectfully submits that it is well known in the art that a hook method can be used at any location in a routine or program. The motivation being for the purpose of debugging or enhancing functionality.

In addition, the Examiner notes these claims recite that hook method comprises.... The Examiner respectfully submits that the differences between the prior

art and the method recited in claims 72-77 are only found in the nonfunctional

descriptive material and are not functionally involved in the steps recited in claims 72-

77. The methods of claims 72-77 would be performed the same regardless of whether

the method had a specific type of hook method. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, see *In re*

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32

F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). For further guidance,

note MPEP § 2106, common situations involving nonfunctional descriptive material are:

"a process that differs from the prior art only with respect to nonfunctional descriptive

material that cannot alter how the process steps are to be performed to achieve the

utility of the invention."

(D) As per claims 79-91, LeBlanc discloses that JAVA includes a wealth of frameworks

intended to greatly enhance application software development on the internet (col. 6

lines 12-29). Further, LeBlanc discloses that JAVA beans are the object unit and are

the tool which provide application developers with the framework for reusable,

embeddable modular software components (col. 6 lines 30-43). Copeland discloses

that objects that perform system-related functions necessary for every method request,

wherein the system-related activities include things like performing security checks

(claim 86), locking records, etc. that need to be performed before the business object

performs its method (col. 7 lines 28-49). The Examiner respectfully submits that the

processes and frameworks recited in claims 79-91 are well known in the art of object-

oriented programming as disclosed by LeBlanc and Copeland. The motivation being to provide application developers with the framework for reusable, embeddable modular software components (col. 6 lines 30-43).

In addition, the Examiner notes these claims recite that the reinsurance framework support processes comprise..., the support processes comprise..., and the reinsurance framework comprises.... The Examiner respectfully submits that the differences between the prior art and the method recited in claims 71-91 are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited in claims 71-91. The method of claims 71-91 would be performed the same regardless of whether the method had a specific type of framework support process, support process, or reinsurance framework. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). For further guidance, note MPEP § 2106, common situations involving nonfunctional descriptive material are: "a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter <u>how</u> the process steps are to be performed to achieve the utility of the invention."

(E) As per claims 92-94, LeBlanc discloses a memory medium and a transmission medium (Internet) (Abstract, col. 5 line 10-29).

(F) Claims 95-119 repeat claims 68-94 as a method rather than as a carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement a method. The underlying steps of the method have been shown to be disclosed by the collective teachings of LeBlanc and Copeland in the above rejections of claims 68-94. As such, these limitations are rejected for the same reasons given above for claims 68-94, and incorporated herein.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches system and method for generating an object oriented application (6,023,578), object oriented framework mechanism for fulfillment requirements management (6,014,637), and dataflow processing with events (6,272,672), method for constructing enterprise system (6,684,383).

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

8.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300   [Official communications]

(571) 273-8300   [After Final communications labeled "Box AF"]

(571) 273-6767   [Informal/ Draft communications, labeled
                    "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

CB
December 23, 2005